UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)
Office Action Summary	10/063,296		CADIZ ET AL.
	Examiner		Art Unit
	Michael Roswell		2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _13 May 2002_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-65_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-65_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _08 June 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
    application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman,* 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi,* 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum,* 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel,* 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1.   Claim 37 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 86 of U.S. Patent No. 09/681,836. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claim language contains elements similar to those of the copending application.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The preambles of both claims teach dynamic objects that automatically provide dynamically updated objects to a user. Creating at least one ticket having a definition of information to be tracked and a definition of how the tracked information is to be displayed is anticipated by the copending application as using a user interface to place at least one link to information into at least one container and dynamically displaying the dynamically tracked information within the container on the display device. Automatically transferring at least one ticket to a user computing device is anticipated by the copending application as automatically

creating the at least one user accessible dynamic object in response to placing the at least one

link to information into the at least one container. Automatically tracking the information defined

by each ticket from the user computing device via a communications interface is anticipated by

the copending application as dynamically tracking the information in response to instructions

included in the automatically created dynamic object. Dynamically retrieving the tracked

information and providing the retrieved information to the user is anticipated by the copending

application as dynamically displaying the dynamically tracked information within the container

on the display device.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.   Claims 17 and 18 recites the limitation "the at least one additional user" in the first line of

each claim. There is insufficient antecedent basis for this limitation in the claim.

3.   Claim 51 recites the limitation "each group" in the first line of the claim. There is

insufficient antecedent basis for this limitation in the claim.

4.   Claims 1, 58, and 62 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. The claims recite the term "ticket/viewer", which renders the

claims indefinite.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-4, 6-11, 14, 15, 17-20, 33, 34, 37, and 39-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Barrus et al (U.S. Patent 6,693,652), hereinafter Barrus.

7.   Regarding claim 1, Barrus teaches representing information of interest with at least one ticket, each ticket comprising a customizable dynamic encapsulated object (taught as a user's selection of a multimedia object for display, at col. 26, lines 19-22), using a viewer for defining how the information of interest is displayed (taught as a series of tests to determine the manner of display best suited for the content, at col. 26, lines 22-26), paring at least one viewer with each ticket (taught as the display of the multimedia object, at col. 26, lines 29-32), and hosting at least one "ticket/viewer" pair in at least one container on a display device, wherein each ticket is represented by a thumbnail displayed in one of the containers (taught as displaying a thumbnail image of selected information in a window, at col. 21, lines 28-33).

8.   Regarding claims 2 and 3, Barrus shows using one or more services for automatically and dynamically tracking a current state of information of interest, and dynamically displaying the current state of the information on a display device, shown as the use of a dynamic updating

module for the re-creation and display of a thumbnail image when the existing object has been modified, at col. 18, lines 10-13.

9.   Regarding claim 4, Barrus allows for the sharing of tickets, taught as the passing of a single multimedia message to multiple users, at col. 12, lines 60-63.

10.   Regarding claim 6, Barrus shows the aggregation of at least two tickets into at least one group, taught as the addition of supplemental electronic documents and audio clips into a multimedia message, at col. 12, lines 42-44.

11.   Regarding claim 7, Barrus teaches the display of a group as a group thumbnail within a container, taught as the thumbnail image representing a plurality of elements, at col. 25, lines 26-31.

12.   Regarding claim 8, Barrus teaches a multi-viewer being paired with a group, and allows for the multi-viewer to display a summary within the thumbnail of the information represented by the tickets comprising the group, taught as the thumbnail representation of many objects in a particular multimedia message, at col. 25, lines 26-31.

13.   Regarding claim 9, Barrus teaches a multimedia group wherein the group is expandable to show the tickets within the group, taught as the retrieval of a multimedia message object, at col. 26, lines 27-32.

14.   Regarding claim 10, Barrus shows a multimedia group at least two groups are

aggregated into a nested group, taught as the use of nested multimedia messages, at col. 26,

lines 34-36.

15.   Regarding claim 11, Barrus teaches a multi-viewer being paired with a group, and allows

for the multi-viewer to display a summary within the thumbnail of the information represented by

the tickets comprising the group, taught as the thumbnail representation of many objects in a

particular multimedia message, at col. 25, lines 26-31.

16.   Regarding claims 14 and 15, Barrus teaches a multimedia group wherein the group is

expandable to show the groups within the nested group, taught as the retrieval of a multimedia

message object which may be a nested message, and allows *supra* for the expansion of groups

in order to show their tickets, at col. 26, lines 27-32.

17.   Regarding claim 17, Barrus shows the sharing of tickets between the first user and the at

least one additional user by sending at least one ticket as an email attachment, taught as the

attaching of a media object to an e-mail message, at cols. 1-2, lines 61-67 and 1-2.

18.   Regarding claim 18, Barrus teaches the sharing of tickets between the first user and the

at least one additional user by saving each ticket to a computer readable medium, and providing

the computer readable medium to the at least one additional user, taught as a server accepting

changes to a multimedia message and updating any interested parties of the changes, at col.

27, lines 14-16.

19.   Regarding claim 19, Barrus shows dragging and dropping at least one ticket from a

remote web site to at least one user display device, taught as dragging and dropping an image

off of a web page and into a multimedia message window, at cols. 20 and 21, lines 35-42 and

13-17.

20.   Regarding claim 20 and 33, Barrus teaches paring a ticket dropped within a container

with a compatible viewer, where the information represented by the dropped ticket is

automatically displayed as a thumbnail within the container, taught as the automatic generation

of an object thumbnail upon the completion of the drag-and-drop method, at col. 21, lines 28-38.

21.   Regarding claim 34, Barrus teaches each ticket represented by an XML data structure,

taught as an XML representation of a multimedia message, at cols. 11-12, lines 65-67 and 1-4.

22.   Regarding claim 37, Barrus *supra* allows for creating at least one ticket having a

definition of information to be tracked and how the tracked information is to be displayed (taught

as the dynamically updateable "ticket/viewer" pairs for multimedia messages), automatically

transferring at least one ticket to a user computing device, automatically tracking the information

defined by each ticket from the user computing device via a communications interface,

dynamically retrieving the tracked information, and providing the retrieved information to the

user (all shown *supra* as the use of a messaging server for wide-spread messaging updates).

23.   Regarding claim 39, Barrus shows the sharing of tickets between the first user and the at

least one additional user by sending at least one ticket as an email attachment, taught as the

attaching of a media object to an e-mail message, at cols. 1-2, lines 61-67 and 1-2.

24.   Regarding claim 40, Barrus automatically transfers at least one ticket to a user computing device by dragging an iconized representation of at least one ticket from a remote web page and dropping each iconized representation of tickets on a user display of the user computing device, taught as the automatic generation of an object thumbnail upon the completion of the drag-and-drop method, at col. 21, lines 28-38.

25.   Regarding claim 41 and 42, Barrus teaches automatically transferring at least one ticket to a user computing device by providing at least one ticket to the user computing device on a computer readable storage medium and sharing tickets between at least two users, taught as taught as a server accepting changes to a multimedia message and updating any interested parties of the changes, at col. 27, lines 14-16.

26.   Regarding claim 43, Barrus teaches the transfer of a ticket to a user computing device from a remote database, taught as the transfer of a multimedia message thumbnail from a database, at col. 20, lines 4-7.

27.   Regarding claim 44, a media object cache taught by Barrus, at col. 16, lines 60-63, automatically caches tracked information.

28.   Regarding claim 45, automatically cached information is displayed until updated information is retrieved, taught by Barrus as the use of a dynamic updating module for reflecting changes in displayed thumbnails, at col. 2, lines 43-47.

29.   Regarding claim 46, Barrus teaches an appearance of cached information automatically

changed over time to indicate a relative age of the information, as the caching of multimedia

message objects upon the creation, saving, image selection, or generation of a multimedia

message object, at col. 20, lines 10-14.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

30.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus.

Barrus has been shown *supra* to teach the storing of "ticket/viewer" pair thumbnails in

containers on a display. However, Barrus fails to explicitly teach the resizing of a container so

that any thumbnails hosted in the container are automatically resized after resizing the

container. It is well known in the art that the resizing of windows can also serve to resize the

contents within them. For example, the resizing of many multimedia video player windows,

such as the Winamp media player, also resizes the media accordingly. Furthermore, many text

and image editors exist that allow for the resizing of the text and images within them by simply

resizing the container they are displayed in. The Examiner takes OFFICIAL NOTICE of these

teachings. Therefore, it would have been obvious to one of ordinary skill in the art to combine

the multimedia messaging system of Barrus with these well known teachings to obtain a

messaging system wherein the media within the message is automatically resized when the

window is resized. One would be motivated to make such a combination for the advantage of quick and easy and sizing of a window and its contents.

31.   Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus and Barker et al (U.S. Patent 5,129,052), hereinafter Barker.

32.   Regarding claims 12 and 13, Barrus teaches *supra* the aggregation of at least two tickets into at least one group.

Barrus fails to explicitly teach the aggregation of groups into any number of levels of recursively nested groups, or the recursive expansion of such groups.

Barker teaches a technique for the dynamic selection of logical element data formats based upon logical element characteristics which are established as a document is created or modified, (at col. 1, lines 18-21), similar to the "ticket/viewer" pairs taught by Barrus. Barker further teaches the recursive nesting of elements, such as the groups of Barrus, taught at col. 3, lines 41-54. Barker also teaches the recursive expansion of recursively nested groups, taught as the restoration of a parent-child relationship to the next higher level of the iterative loop, at col. 3, lines 55-57.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Barrus and Barker before him at the time of the invention to modify the nested groups of Barrus to include the recursive nesting and the recursive expansion of Barker to obtain a system of aggregating nested groups of tickets into recursively nested groups.

One would be motivated to make such a combination for the advantage of allowing multiple relationships to occur between two logical elements. See Barker, col. 2, lines 12-16.

33.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus and Trueblood (U.S. Patent 6,031,530).

Barrus teaches *supra* the use of containers to host "ticket/viewer" pairs of information.

Barrus fails to explicitly teach the display of containers such that they are persistent, or not coverable by other application windows.

Trueblood teaches a method for always-visible windows that can be used to display information similar to the windows of Barrus used to display the "ticket/viewer" pair thumbnails, at col. 1, lines 8-11.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Barrus and Trueblood before him at the time of the invention to modify the thumbnail-containing window of Barrus to incorporate the always-visible state of Trueblood to obtain a window for viewing information that is not coverable by other application windows.

One would be motivated to make such a combination for the advantage of allowing a user to always have selected information visible on the display screen. See Trueblood, col. 2, lines 51-58.

34.   Claims 21, 28-30, and 62 are rejected under 35 U.S.C. 103(a) as being obvious over Barrus and Angiulo et al (U.S. Publication 2002/0135621), hereinafter Angiulo.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the

application and reference are currently owned by the same party and that the inventor named in

the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in

accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this

rejection might also be overcome by showing that the subject matter of the reference and the

claimed invention were, at the time the invention was made, owned by the same person or

subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and §

706.02(l)(2).

Regarding claims 21 and 62, Barrus has been shown *supra* to teach representing

information of interest with at least one ticket, each ticket comprising a customizable dynamic

encapsulated object (taught as a user's selection multimedia object for display, at col. 26, lines

19-22), using a viewer for defining how the information of interest is displayed (taught as a

series of tests to determine the manner of display best suited for the content, at col. 26, lines

22-26), paring at least one viewer with each ticket (taught as the display of the multimedia

object, at col. 26, lines 29-32), and hosting at least one "ticket/viewer" pair in at least one

container on a display device, wherein each ticket is represented by a thumbnail displayed in

one of the containers (taught as displaying a thumbnail image of selected information in a

window, at col. 21, lines 28-33).

Barrus fails to explicitly teach providing an actionable tooltip window in response to the

selection of a thumbnail.

Angiulo teaches an auto thumbnail gallery for use with thumbnail images similar to these

employed by Barrus. Angiulo further teaches providing an actionable tooltip window in

response to the selection of a thumbnail, taught as the presentation of a thumbnail editor dialog

box to the user after the selection of a thumbnail, at page 6, ¶ 0045.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Barrus and Angiulo before him at the time the invention was made to modify the thumbnail viewing system of Barrus to include the thumbnail editing dialog box of Angiulo in order to obtain a dynamically updateable thumbnail viewing system that presents the user with actionable options upon the selection of a thumbnail.

One would be motivated to make such a combination for the advantage of allowing the user to edit certain aspects of a thumbnail, such as its size or position relative to other thumbnails in the same gallery. See Angiulo, page 6, ¶ 0047.

35.   Regarding claims 28 and 30, Angiulo teaches the user modification of a thumbnail position within a container, taught as the user ability to change the order of thumbnail in a list through the use of controls presented to the user by a dialog box, at page 6, ¶ 0047.

36.   Regarding claim 29, Angiulo allows for the automatic arrangement of thumbnails, taught as the initial population of images in response to a user's selection of a directory, at page 5, ¶ 0044.

37.   Claims 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus and Sasaki et al (U.S. Publication 2002/0161837), hereinafter Sasaki.

Regarding claim 22, Barrus teaches *supra* the display of information of interest to a user.

Barrus fails to explicitly teach the display of information of interest when the information is a contact.

Sasaki teaches displaying information of interest on a display screen of a user, in this case chat information, at page 1, ¶ 0004. Sasaki further teaches displaying information related to user contacts, at page 2, ¶ 0021.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Barrus and Sasaki before him at the time of the invention to modify the display of information of interest of Barrus to include the contact information of Sasaki in order to obtain a display of information of interest wherein the information of interest is contact information.

One would be motivated to make such a combination in order to keep track of the status of a user's contacts. See Sasaki, page 1, ¶ 0009.

38.   Regarding claim 23, Sasaki allows for the presentation of a graphical indication of the availability status of a contact, taught as the display of a symbol relating to a user's status, at page 2, ¶ 0027.

39.   Regarding claims 24 and 26, Barrus has been shown *supra* to provide more detailed information upon the selection of a thumbnail. Sasaki teaches the display of a person window for tracking the availability of and chatting with contacts, at Fig. 8 and page 4, ¶ 0079.

40.   Regarding claim 25, Fig. 9 of Sasaki shows the availability status of contacts across multiple communication channels.

41.   Regarding claim 27, Sasaki teaches the display of a historical availability of a contact by displaying the last known status for a contact and saving the status in a status table for display when the user participates in another session of the same channel, at page 4, ¶ 0066.

42.   Claims 31, 32, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Barrus and the applicant's submitted InfoGate reference (Reference **3**), hereinafter InfoGate, as

supported by the BotKnowledge InfoGate Review, hereinafter BotKnowledge.

43.   Regarding claims 31 and 32, Barrus has been shown to teach *supra* a thumbnail

dynamically displaying a summary of the current state of information of interest on a display,

and increasing the size of the thumbnail.

        Barrus fails to explicitly teach the display of additional information upon increasing the

size of the thumbnail, and less information upon decreasing the size of the thumbnail.

        InfoGate teaches a customizable toolbar used to dynamically deliver selected

information to the desktop of a user, similar to the multimedia messages of Barrus. As can be

seen in the image of the BotKnowledge reference, the enlarged size of the InfoGate ticker

window allows for the presentation of more information, such as stock alerts, while the

decreased ticker window size displays less information.

        Therefore, it would have been obvious to one of ordinary skill in the art, having the

teachings of Barrus and InfoGate before him at the time of the invention to combine the

resizable multimedia messages of Barrus with the ability to display varying amounts of

information proportionate to the thumbnail size of InfoGate, to obtain a dynamically updated

messaging system where varying amounts of a certain type of information may be displayed on

the screen.

        One would be motivated to make such a combination for the advantage of enhancing

user customizability by allowing selected information to be more or less prevalent on the

display, as the user sees fit. Motivation for such a combination is given by InfoGate, who teach

a highly personalized desktop ticker on page 1 of the reference.

44.   Regarding claim 36, InfoGate teaches the automatic display of a thumbnail at a predetermined time in response to a scheduled event for a user, taught as the use of alerts for bringing up to the moment information to the desktop toolbar as scheduled by the user, in the form of a predetermined price of stock quotes, at page 4.

45.   Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus and Brown (U.S. Patent 6,259,461).

46.   Barrus has been shown *supra* to teach the display of dynamic "ticket/viewer" pairs.

Barrus fails to explicitly teach including with each ticket a visibility flag, where particular thumbnails are only displayed when the visibility flag is set.

Brown teaches a system related to the display of objects in a computer graphics system (col. 1, lines 7-10), similar to the objects displayed by Barrus. Furthermore, Brown teaches the setting of a visibility flag to determine whether or not an object is displayed on screen, similar to applicant's claimed visibility flag for particular thumbnails, at col. 9-10, lines 58-67 and 1-7.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Barrus and Brown before him at the time the invention was made to modify the dynamic "ticket/viewer" pairs of Barrus to include the visibility flags of Brown in order to obtain a system for selectively displaying dynamically updated information.

One would be motivated to make such a combination for the advantage of selectively displaying information on a screen and improve the graphic performance of a system. See Brown, col. 3, lines 2-6.

47.   Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus and Raz

et al (U.S. Patent 6,311,221), hereinafter Raz.

48.   Barrus *supra* allows for creating at least one ticket having a definition of information to

be tracked and how the tracked information is to be displayed (taught as the dynamically

updateable "ticket/viewer" pairs for multimedia messages), automatically transferring at least

one ticket to a user computing device, automatically tracking the information defined by each

ticket from the user computing device via a communications interface, dynamically retrieving the

tracked information, and providing the retrieved information to the user (all shown *supra* as the

use of a messaging server for wide-spread messaging updates).

Barrus fails to explicitly teach the reporting of ticket use statistics to a remote server for

providing a ticket subscription service wherein subscribers are charged a fee for user use of

tickets.

Raz teaches the use of streaming modules for constantly updating data objects similar to

the dynamically updated multimedia messages of Barrus. Raz also teaches reporting of ticket

use statistics to a remote server, as the sending of program execution statistics to a server, at

cols. 5-6, lines 67, 1-6. Furthermore, providing subscription services for the access of data are

well known in the art, as many web sites offer paying customers access to downloadable files

for monthy or yearly fees. The Examiner takes OFFICIAL NOTICE of these teachings.

Therefore, it would have been obvious to one of ordinary skill in the art, having the

teachings of Barrus and Raz before him at the time of the invention to modify the multimedia

messaging system of Barrus to include the reporting of program execution statistics of Raz to

obtain a system wherein dynamically updated information use statistics are recorded onto a

remote server, and used to conduct a subscription service.

One would be motivated to make such a combination for the advantage of further monitoring and controlling the information of interest, and gaining capital returns on the service provided. See Raz, col. 5, lines 62-67.

49.   Claims 47, 48, 52, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus, Sasaki, and Chow et al (U.S. Patent 6,029,175), hereinafter Chow.

50.   Regarding claim 47, Barrus and Sasaki have been shown *supra* to teach creating a dynamic encapsulated object for tracking the availability of an entity, tracking the availability of an entity over time via a communications pathway, and dynamically providing a real-time availability status for each entity based on tracked availability information.

Barrus and Sasaki fail to explicitly teach compiling tracked information for each entity over time, and providing a historical availability for each entity based on the compiled availability information.

Chow teaches a method for tracking information between clients and servers, similar to the information passed along by Barrus and Sasaki. Chow further teaches compiling tracked information for entities over time, taught as compiling values of objects of interest in a cache, at col. 35, lines 22-33, and provides historical availability for each entity based on the compiled availability information, taught as a log of changes for objects of interest, at col. 25, lines 37-40.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Barrus, Sasaki, and Chow before him at the time of the invention to combine the dynamic encapsulated object for tracking the availability of an entity of Barrus and Sasaki with the compiled values and historical information of Chow in order to obtain an object for tracking availability of an entity and compiling availability information for an entity over a period of time.

One would be motivated to make such a combination for the advantage of being able to determine availability patterns of an entity, and storing information related to the behavior of an entity. See Chow, col. 35, lines 29-33.

51.   Regarding claim 48, Sasaki has been shown *supra* to provide a real-time availability status for each entity as an icon on a user display device, at page 2, ¶ 0027.

52.   Regarding claim 52, Barrus has been shown *supra* to combine at least two dynamic encapsulated objects into at least one group, at col. 12, lines 42-44.

53.   Regarding claim 56, Barrus has been shown *supra* to teach the sharing of a dynamic encapsulated object between at least two users, at col. 12, lines 60-63.

54.   Claims 49-51, 53-55, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus, Sasaki, Chow, and InfoGate.

55.   Regarding claim 49, Barrus, Sasaki, and Chow have been shown to display the real-time availability of entities on a user display.

Barrus, Sasaki, and Chow fail to teach the display of an icon within a peripheral strip on the user display device.

InfoGate teaches a customizable toolbar used to dynamically deliver selected information to the desktop of a user, similar to the multimedia messages of Barrus, and further teaches displaying the information in a peripheral strip on the display, taught as the InfoGate toolbar, on page 1.

Therefore, it would have been obvious to one of ordinary skill in the art, having the

teachings of Barrus, Sasaki, Chow, and InfoGate before him at the time the invention was made

to modify the dyncamically displayed information of Barrus, Sasaki, and Chow to include the

information toolbar of InfoGate in order to obtain a device for displaying dynamically updated

information in a minimal-space area in the user display.

One would be motivated to make such a combination for the advantages of displaying

dynamically updated information in a minimal-space area in the user display, and providing a

single location for the user to track all of their information of interest. See InfoGate, page 3.

56.   Regarding claim 50, Barrus teaches *supra* the inclusion of multimedia messages into

groups, and the creation of image thumbnails for each element within the group, leading to

multiple icons for any particular group, at col. 12, lines 60-63.

57.   Regarding claim 51, Barrus teaches *supra* displaying an individual icon representative of

a group that is dynamically updated based on data provided by the icons inside the group, at

col. 12, lines 60-63.

58.   Regarding claim 53, Barrus teaches *supra* displaying a group as an individual icon within

a persistent display on a display device, and InfoGate shows the display of such icons in a strip,

on page 1.

59.   Regarding claims 54 and 55, Barrus teaches the display of thumbnails representative of

information of interest in a viewer window. It is well known in the art that windows may be

resized to cover an entire area of a display screen, and moved around the display as the user

sees fit. The Examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art to allow the windows of Barrus to fit the entire display and be moveable on the display.

60.   Regarding claim 57, Barrus shows *supra* the sharing of information of interest represented by a dynamic thumbnail, at col. 26, lines 19-22.

61.   Claims 58-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus and Trueblood.

Regarding claim 58, Barrus has been shown *supra* to teach representing information of interest with at least one ticket, each ticket comprising a customizable dynamic encapsulated object, using at least one viewer for defining how the information of interest is displayed, paring at least one viewer with each ticket, hosting at least one "ticket/viewer" pair in at least one container on a display device, and representing the pair with a thumbnail, and interacting with the information of interest by using at least one service for each ticket.

Barrus fails to explicitly teach providing the interactive information of interest in a persistent display.

Trueblood teaches a method for always-visible windows that can be used to display information similar to the windows of Barrus used to display the "ticket/viewer" pair thumbnails, at col. 1, lines 8-11.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Barrus and Trueblood before him at the time of the invention to modify the thumbnail-containing window of Barrus to incorporate the always-visible state of Trueblood to obtain a window for viewing information that is not coverable by other application windows.

One would be motivated to make such a combination for the advantage of allowing a user to always have selected information visible on the display screen. See Trueblood, col. 2, lines 51-58.

62.   Regarding claim 59, Barrus has been shown *supra* to teach a method for interacting with, accessing, receiving, and retrieving information of interest, at cols. 20 and 21, lines 35-42 and 13-17.

63.   Regarding claim 60, Barrus has been shown *supra* to teach a ticket using at least one service to track information of interest, at col. 26, lines 19-22.

64.   Regarding claim 61, Barrus has been shown *supra* to teach a multimedia message system, wherein many media objects are incorporated into one message, and may interact with the information of interest, at cols. 20 and 21, lines 35-42 and 13-17.

65.   Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus and Angiulo.

66.   Barrus has been shown *supra* to teach representing information of interest with at least one ticket, each ticket comprising a customizable dynamic encapsulated object, using at least one viewer for defining how the information of interest is displayed, paring at least one viewer with each ticket, hosting at least one "ticket/viewer" pair in at least one container on a display device, and representing the pair with a thumbnail, and interacting with the information of interest by using at least one service for each ticket.

Barrus fails to explicitly teach providing an actionable tooltip window in response to the selection of a thumbnail.

Angiulo teaches an auto thumbnail gallery for use with thumbnail images similar to these employed by Barrus. Angiulo further teaches providing an actionable tooltip window in response to the selection of a thumbnail, taught as the presentation of a thumbnail editor dialog box to the user after the selection of a thumbnail, at page 6, ¶ 0045.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Barrus and Angiulo before him at the time the invention was made to modify the thumbnail viewing system of Barrus to include the thumbnail editing dialog box of Angiulo in order to obtain a dynamically updateable thumbnail viewing system that presents the user with actionable options upon the selection of a thumbnail.

One would be motivated to make such a combination for the advantage of allowing the user to edit certain aspects of a thumbnail, such as its size or position relative to other thumbnails in the same gallery. See Angiulo, page 6, ¶ 0047.

67.   Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus, Angiulo, and Sasaki.

68.   Barrus and Angiulo teach *supra* the display of information of interest to a user.

Barrus and Angiulo fail to explicitly teach the display of information of interest when the information is a contact.

Sasaki teaches displaying information of interest on a display screen of a user, in this case chat information, at page 1, ¶ 0004. Sasaki further teaches displaying information related to user contacts, at page 2, ¶ 0021.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Barrus, Angiulo and Sasaki before him at the time of the invention to modify the display of information of interest of Barrus and Angiulo to include the contact information of Sasaki in order to obtain a display of information of interest wherein the information of interest is contact information.

One would be motivated to make such a combination in order to keep track of the status of a user's contacts. See Sasaki, page 1; ¶ 0009.

69.   Claims 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus, Angiulo, Sasaki, and "The Notification Collage: Posting Information to Public and Personal Displays", by S. Greenberg and M. Rounding (applicant's reference **10**), hereinafter Greenberg.

70.   Regarding claim 64, Barrus, Angiulo, and Sasaki teach *supra* the display of information of interest to a user, wherein the information of interest is a contact.

Barrus, Angiulo, and Sasaki fail to explicitly teach the inclusion of at least one communication access point in a tooltip window.

Greenberg teaches a Notification Collage for keeping track of information of interest. Greenberg further teaches the use of a pop-up menu for interacting with other users through addresses accessed through the menu, at page 4, col. 1.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Barrus, Angiulo, Sasaki, and Greenberg before him at the time the invention was made to modify the tooltip window of Barrus, Angiulo, and Sasaki to include the contact addresses of Greenberg to obtain a multimedia messaging system where user contacts may be interacted with through the use of a pop-up interface.

One would be motivated to make such a combination for the advantage of quickly accessing contact information about a user of interest. See Greenberg, page 4.

71.   Regarding claim 65, Greenberg teaches identifying a best available communication access point for a contact, taught as presenting custom interactions for specific media elements that a user can respond to, at page 4, col. 1.
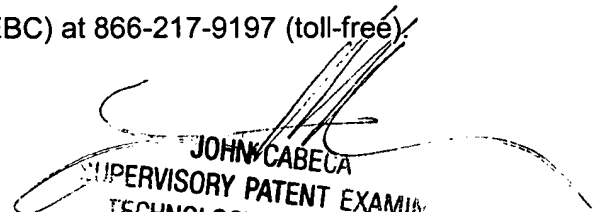
Conclusion

72.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The noted references disclose the state of the art as related to the application.

73.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (703) 305-5914. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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